

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JASON EDWARD DIXON
ADC #97764

PLAINTIFF

V.

NO. 3:06cv00216 SWW-JWC

PAULETTE ARNOLD, et al

DEFENDANTS

ORDER

On July 12, 2007, Defendants filed a motion for summary judgment and brief in support (docket entries #25, #26) seeking to dismiss Plaintiff's 42 U.S.C. § 1983 complaint on the grounds that he has failed to establish a constitutional violation in connection with his conditions of confinement claim. In addition, Defendants contend that Plaintiff has failed to allege that the Poinsett County Sheriff's Office has a custom or policy that resulted in a violation of his constitutional rights. Plaintiff is hereby notified of his opportunity to file a responsive pleading opposing Defendants' motion for summary judgment. Plaintiff is directed to file his responsive pleading within twenty (20) days of this order's entry-date.¹ Plaintiff is further advised that his response to the motion may include opposing or counteraffidavits, executed by him or other persons, which have either been sworn to under oath, i.e., notarized, or declared to under penalty of perjury in accordance with 28

¹ Plaintiff is reminded of his responsibility to comply with Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas, which provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."

U.S.C. § 1746. Any affidavits submitted by Plaintiff must be based upon the personal knowledge of the person executing the affidavit. No affidavit or other document containing Plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been sworn to under oath or declared under penalty of perjury.

Defendants have also filed a statement of undisputed material facts (docket entry #27) pursuant to Local Rule 56.1 of the Rules of the United States District Court for the Eastern District of Arkansas. If Plaintiff disagrees with Defendants' statement of facts, Plaintiff is directed to file a separate, short and concise statement setting forth the facts which he thinks need to be decided at a trial. If Plaintiff does not file a statement of facts, the facts in Defendants' statement will be considered to be admitted.

IT IS SO ORDERED this 17th day of July, 2007.


UNITED STATES MAGISTRATE JUDGE